

INSTRUCTIONS FOR COMPLETING, FILING AND SERVING A CIVIL SUMMONS & COMPLAINT

The person filing the complaint is referred to as the PLAINTIFF. The person who the complaint is being brought against is the DEFENDANT.

The Summons:

Step 1. Enter your information in the top left corner.

Step 2. Enter your name(s) on the line designated for “Plaintiff(s)”.

Step 3. Enter the name(s) and address of the person(s) you are suing on the lines designated for “Defendant(s)” and “Address”. Do not complete anything further on this form.

Step 4. Make copies of the summons. You must provide the clerk with enough copies. If the clerk has to make copies for you, you will be charged a copy fee. You need the original and *at least* three (3) copies of the summons.

- Original summons for service
- One copy for the court file
- One copy for your records
- One copy for *each* defendant

The Complaint:

Step 1. Enter your information in the top left corner.

Step 2. Enter your name on the line designated for “Plaintiff(s)”.

Step 3. Enter the name(s) on the person(s) you are suing on the line designated for “Defendant(s)”.

Step 4. Leave the spaces provided for the judge’s name and case number blank. These will be completed by the Clerk.

Step 5. Paragraph 1: Describe what incidents or events led up to the filing of a civil complaint. Describe what the defendant did and what they failed to do to correct the issue. Be specific and to the point.

Step 6. Paragraph 2: Enter the relief that you are asking the court to award you. For example, monetary amounts for payment of debt, possession of property, reimbursement for damages, return or repair of property, etc. You may include filing fees and service costs.

Step 7. Enter the date that you are signing the complaint.

Step 8. Sign on signature line.

This document has been prepared as a courtesy to assist you with completing your complaint and summons. It is not to be construed as providing legal advice or representation on how to prepare your case.

Step 9. Make copies of the complaint. You must provide the clerk with the original and *at least* two copies of the complaint. (Original for court file, one copy for *each* defendant and one copy for your records.) If the clerk has to make copies for you, you will be charged a copy fee.

Step 10. Take your originals and copies of the summons and complaint to the Justice Court Civil Clerk with your \$40.00 filing fee. The clerk will file-stamp and separate your paperwork into “sets”.

Service of Process:

It is best to know who you will utilize for service of process *before* you file your paperwork. Click the link in Step 1 for a list of licensed process-servers. Depending on who you use, you may need to bring a check for service with you. The Civil Office has a mailbox that you may drop your filed paperwork into for the process-server to pick up.

Step 1. Take the appropriate set of papers to the Civil Sheriff’s Office, a licensed process-server or a disinterested third party for service. The Civil Sheriff’s Office is located on the first floor of the original section of the courthouse at the west entrance.

A list of private process servers is available [here](#). Whoever you choose to serve your paperwork, you are responsible for making sure the original summons and affidavit of service are returned and filed with the court.

Step 2. Depending on the type of case you’ve filed, the defendant(s) will have either ten (10) business days OR twenty (20) calendar days to file an answer with the court and serve you with a copy of their answer via United States Postal Service. Check your copy of the summons to see which time limit applies. “Day one” is the first day after service.

An answer to your complaint must be filed by the close of business on the 10th business day or 20th calendar day (check your summons to see which time limit applies to your case) after service. If an answer is not filed, you may file a motion for default judgment. If an answer is filed and you are not satisfied, you may motion the court for further hearings. If an answer is filed and you feel you can settle your case without further litigation, you may file a motion to dismiss the case. If you have questions on how to proceed with your case you should consult with an attorney. The Clerks CANNOT offer or give you legal advice.

ANYONE WHO REQUIRES AN AUXILIARY AID OR SERVICE FOR EFFECTIVE COMMUNICATION, OR A MODIFICATION OF POLICIES OR PROCEDURES TO PARTICIPATE IN A COUNTY PROGRAM, SERVICE OR ACTIVITY, SHOULD CONTACT JUSTICE COURT AT 258-3474, AS SOON AS POSSIBLE, BUT NO LATER THAN 48 HOURS BEFORE THE SCHEDULED EVENT.

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